

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

VOTORANTIM CIMENTOS LTDA,

Petitioner,

- against -

OXBOW CARBON AND MINERALS LLC,
SUCCESSOR IN INTEREST BY MERGER TO
APPLIED INDUSTRIAL MATERIALS
CORPORATION,

Respondent.

08 CV 02232 (LBS)

**NOTICE OF MOTION TO VACATE
PARTIALLY AND CONFIRM
PARTIALLY FINAL ARBITRATION
AWARD**

PLEASE TAKE NOTICE that Oxbow Carbon and Minerals LLC, Successor in Interest by Merger to Applied Industrial Materials Corporation (“Oxbow”), by and through its attorneys, Paul, Hastings, Janofsky & Walker LLP, upon the memorandum of law in support of the motion, and upon all pleadings and proceedings herein, shall move before the Honorable Leonard B. Sand, at the United States Courthouse, 500 Pearl Street, New York, New York in Courtroom 15-A, pursuant to the Stipulation and Order submitted by the parties on March 14, 2008 and Ordered by the Court on March 17, 2008 (the “Stipulation”) for an Order pursuant to 9 U.S.C. §§ 9, 10 *et seq.*, vacating the final arbitration award dated February 29, 2008 (the “Final Award”) as to the award to Petitioner Votorantim Cimentos Ltda. (“Votorantim”), confirming the award in the Final Award to Oxbow, and for such other and further relief as the Court may deem appropriate.

PLEASE TAKE FURTHER NOTICE that pursuant to the Stipulation, Votorantim's opposition papers shall be served and filed on or before June 27, 2008 and Oxbow shall serve its reply papers on or before July 18, 2008.

Dated: New York, New York
May 23, 2008

PAUL, HASTINGS, JANOFSKY
& WALKER LLP

By: /s/ Lawrence J. Conlan
Daniel B. Goldman (DG4503)
Lawrence J. Conlan (LC2170)
Attorneys for Respondent Oxbow Carbon and
Minerals LLC
75 East 55th Street
New York, NY 10022-3205
(212) 318-6000

CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2008, the foregoing Notice of Motion to Vacate Partially and Confirm Partially the Final Arbitration Award was filed electronically and served upon the following counsel of record by UPS overnight mail in accordance with the Federal Rules of Civil Procedure and the Southern District of New York Local Civil Rules. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

George M. Chalos, Esq.
Chalos, O'Connor & Duffy, LLP
366 Main Street
Port Washington, New York 11050
Attorneys for Petitioner

PAUL, HASTINGS, JANOFSKY
& WALKER LLP

/s/ Lawrence J. Conlan
Lawrence J. Conlan (LC 2170)
75 East 55th Street
New York, New York 10022
(212) 318-6000